

DECLARATION OF REISSUE APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated herein below my name. I believe that I am the original, first and joint inventor of the invention described and claimed in U.S. Letters Patent No. 5,999,827 issued December 7, 1999, for which invention I solicited a patent in application Serial No. 08/932,942 filed September 17, 1997, and that I have reviewed and understand the contents of the specification, including the claims; that the subject matter of the original claims and of the claims set forth in amendments made in this Reissue application, which was filed on December 3, 2001 as application serial number _____, was invented before I filed my original application on which the foregoing U.S. Letters Patent No. 5,999,827 issued for such invention; that I do not know and do not believe that said invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or more than one year before my application, or in public use or on sale in the United States more than one year before the date of application, that my invention has not been patented in any foreign country before the date of my application

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on an application filed by myself or my legal representative or assigns more than twelve months prior to my application in the United States, and has not been abandoned.

That U.S. Patent No. 5,999,827 is wholly or partly inoperative or invalid by reason of my claiming less than what I had a right to claim in said patent. Specifically, the insufficiency in the claims is based on my not claiming a portable communication terminal apparatus including a body, transmitting and receiving means arranged in the body, selection operation means arranged on the body operable by a user in a first direction along a surface of the body and in a second direction substantially perpendicular to the first direction, operation detection means for detecting an operation of the selection operation means in the first direction and in the second direction, storage means for storing data of a plurality of selection items which are hierarchically arranged, display means for displaying the plurality of selection items read out of the storage means; and control means for controlling a position of a pointer to indicate a desired item out of the plurality of selection items displayed on the display means when the selection operation means is operated in the first direction and changing a display layout when the selection operation means is operated in the second direction to change from a display listing selection

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items of high hierarchy in a first format to a display listing selection items of low hierarchy in a second format, the first and second formats being recognizably different. The control means may cause the display means to display a selection item of the high hierarchy on the display together with items of the low hierarchy which are linked with the selection item.

In the specification originally filed, an embodiment is disclosed wherein "the menu screen displayed when the menu key 36G is press operated is described" and "[T]he menu screen has a hierarchical structure such that it can descend to the next lower layer (submenu screen) by click operating the jog dial 36J." Figure 27 shows menus screens W1 to W10 in the highest layer prepared for the portable telephone apparatus. Figures 28, 29, 30 and 31 show submenu screens belonging to the lower layer (Col. 15, lines 10-18)

The above-described error was not discovered until the claims were reviewed in connection with the issuance of U.S. Letter Patent No. 5,999,827, when it was found that the claims as issued do not incorporate this feature. This discovery took place in November, 2001.

The foregoing error in my patent and every error in my patent that is corrected in the present reissue application arose without any deceptive intention on my part.

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I acknowledge my duty to disclose information of which I am aware that is material to the examination of this application and I acknowledge my duty to disclose information according to Rule 1.56 (37 CFR 1.56).

I hereby appoint Jay H. Maioli, Reg. No. 27,213 whose post office address is 1185 Avenue of the Americas, New York, NY 10036, or his duly appointed associates, my attorneys with full power of substituting and revocation to prosecute this application, to make alternations and amendments therein, to file Continuation and Divisional applications thereof, to receive the Reissued patent, and to transact all business in the Patent and Trademark Office in connection therewith.

I hereby specify that communications concerning this Reissue application are to be directed to the following correspondence address:

Jay H. Maioli, Esq.
Cooper & Dunham LLP
1185 Avenue of the Americas
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 in the United States Code, and that such willful false statements may jeopardize the validity of this application or any Reissue patent issuing thereon.

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